

Message Text

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STATE FOR EUR/RPM; DEF FOR DASD(A)/OASD(C) AND ACTG
C/PLANS AND PROGRAMS OFFICE, ODAS(A)/OASD(C)

E.O.11652: N/A
TAGS: APER, AORG, NATO
SUBJECT: TERMINATION OF UNITED STATES DIRECT HIRE
EMPLOYEES

1. THE FOLLOWING MEMORANDUM HAS BEEN RECEIVED FROM
DIRGEN NICSMA:
"NICSMA IS VERY CONCERNED ABOUT THE THREATENED TERMINA-
TION OF U.S. DIRECT-HIRE EMPLOYEES. ACCOMPLISHMENT OF
OUR MISSION IS ALREADY HAMPERED BY THE U.S. PRACTICE
OF NOT SECONDING EMPLOYEES UNDER THE GRADE OF A4. SINCE
FOUR OF THE FIVE MAJOR CONTRACTS THAT NICSMA NOW HAS
IN EFFECT ARE WITH AMERICAN COMPANIES, IT FOLLOWS THAT
THERE ARE AREAS IN WHICH THE U.S. HAS THE BEST OR ONLY
EXPERTISE AVAILABLE. IN THE IMPLEMENTATION STAGES OF
THE NICS, LOWER GRADED PERSONNEL; I.E., A3'S AND BELOW
AND EVEN SOME B GRADE POSITIONS, BECOME MORE AND MORE
IMPORTANT AS ACTION OFFICERS ARE NEEDED TO ACCOMPLISH
CRITICAL TASKS.

"2.ALL THREE DIRECT-HIRE PERSONNEL AFFECTED BY THE NEW
U.S. TAX LAW ARE IN KEY AREAS OF NICSMA AND THEIR
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EXPERTISE IS UNIQUE AND DECIDEDLY IMPORTANT. ONE
WORKS IN CONTRACTING BRANCH AS SENIOR CONTRACTS OFFICER
RESPONSIBLE FOR THE PROCUREMENT OF THREE MAJOR NICS
PROGRAMS. ONE IS THE CHIEF OF NICSMA DOCUMENTATIONS
CENTER AND IS RESPONSIBLE FOR THE DAILY OPERATION OF
THE CENTER AND TECHNICAL LIBRARY WHICH ENTAILS CONTROL
OF ALL PROJECT DOCUMENTATION AND DRAWINGS. THE OTHER

IS A MANAGEMENT ANALYST IN MID-MANAGEMENT AREA OF THE QUALITY ASSURANCE BRANCH WITH SPECIALTY IN GENERAL SUPPORT AND QUALITY ASSURANCE ADMINISTRATION.

"3.ALONG WITH THE PRACTICE OF NOT SECONDING A3'S AND BELOW, IF THE STATE DEPARTMENT FURTHER IMPOSES RESTRICTIONS ON HIRING U.S. PERSONNEL, EVEN TO THE EXTENT OF TERMINATING THE EMPLOYMENT OF THOSE ALREADY WORKING AS DIRECT HIRES, NICSMA WILL BE FORCED TO HIRE PERSONNEL OF OTHER NATIONALITIES EXCLUSIVELY. IT HAS BEEN OUR EXPERIENCE THAT QUALIFIED PEOPLE IN MANY NICS-RELATED JOBS ARE EXTREMELY SCARCE. WE DO NOT WANT TO LOSE THE THREE HIGHLY QUALIFIED PEOPLE WE NOW HAVE KNOWING THEIR REPLACEMENT WITH EQUALLY QUALIFIED PEOPLE FROM OTHER NATIONS WOULD BE DIFFICULT IF NOT IMPOSSIBLE. THE SELECTION OF REPLACEMENT PERSONNEL AND THE TIME FOR THEM TO EQUAL PRESENT KNOWLEDGE WOULD TAKE AT LEAST TWO YEARS. IN THIS CRITICAL PERIOD OF DEVELOPMENT OF THE NICS, WHICH IS IMPORTANT TO THE UNITED STATES AS WELL AS OTHER NATO NATIONS, SERIOUS SETBACKS COULD RESULT.

"4.THE APPARENT UNFAIRNESS OF TERMINATING U.S. DIRECT-HIRE EMPLOYEES, HIRED IN GOOD FAITH BY NATO AND WORKING IN GOOD FAITH, IS ALSO EVIDENT. ALL THREE CONCERNED PEOPLE HAVE INDEFINITE CONTRACTS AND, ACCORDING TO NATO CIVILIAN PERSONNEL REGULATIONS, ARTICLE 9, TERMINATION: 9.1 'THE ORGANIZATION HAS THE RIGHT TO TERMINATE CONTRACTS FOR DUE AND VALID REASONS, E.G.:

(I) IF THE STAFF MEMBER DOES NOT GIVE SATISFACTORY LIMITED OFFICIAL USE

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SERVICE, OR IS INCAPACITATED FOR SERVICE;

(II) IF THE POST WHICH HE HOLDS IS SUPPRESSED, OR IF THE COUNTRY OF WHICH HE IS A NATIONAL CEASES TO BE A MEMBER OF THE ORGANIZATION OR WITHDRAWS OR DOES NOT RENEW THE SECURITY CLEARANCE;

(III) AS A RESULT OF DISCIPLINARY ACTION.'

SINCE NICSMA IS VERY PLEASED WITH THE WORK OF ALL THREE EMPLOYEES, TO TERMINATE THEM, FROM THE NATO POINT OF VIEW, WOULD BE UNJUST.

"5.IN ANY CASE, THE EMPLOYEES AND NICSMA ARE THE LOSERS. IT SEEMS REASONABLE THAT AN EQUITABLE SOLUTION CAN BE FOUND. SINCE THE POSSIBILITY OF SECONDING THESE CIVILIANS IS BEING CONSIDERED AS A SOLUTION, THE RAMIFICATIONS OF SECONDMENT SHOULD BE FULLY AND QUICKLY RESOLVED WITH A VIEW TOWARD PROTECTING THE RIGHTS OF THESE U.S. CITIZENS. THE THREE PERSONS INVOLVED HAVE NOT YET BEEN QUERIED AS TO THEIR DESIRES ON SECONDMENT, AND ONLY SHOULD BE QUERIED IF NICSMA IS ABLE TO ANSWER

THE QUESTION OF SECONDMENT AND THIS OPTION CAN BE
OFFICIALLY OFFERED. SIGNED: SIR JOHN ANDERSON, KBE,
DIRECTOR GENERAL." END TEXT.

2. REQUEST GUIDANCE.BENNETT

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